

FILED
HARRISBURG, PA

JUN 07 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
(Harrisburg)

MARY E. DIANDREA, CLERK
Deputy Clerk

DONALD EDWARD COOL, Plaintiff

v

UNITED STATES TREASURY
INTERNAL REVENUE SERVICE
Defendant

Civil No. 1:12-CV-0568
The Honorable Judge
Sylvia H. Rambo

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

For and on the Record; I, Donald Edward Cool, authorized representative and attorney-in-fact for the above captioned and referenced Plaintiff and within the jurisdiction of these proceedings that is established in Commerce whereby ANYONE desiring to participate must first be sworn in. I hereby CERTIFY and SWEAR on my unlimited commercial liability that the testimony I give before this Honorable Court is of First Hand Knowledge, is the truth, the whole truth and nothing but the truth, true, correct and complete, and not meant to mislead, to the best of my knowledge and conviction. COMES NOW by SPECIAL APPEARANCE, In Propria persona, Coming to the table with CLEAN HANDS and in GOOD FAITH, Herein and Henceforth Known as "Plaintiff."

I. BRIEF IN SUPPORT

- 1.1) In accordance with THE DISTRICT COURT OF THE DISTRICT OF IDAHO Case No. 93-405-E-EJL/11-19-93 'The Internal Revenue Service is not an agency of THE UNITED STATES. Therein and Thereby are the proper party Defendant in this cause /action

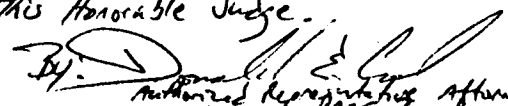
- 1.2 > The proper party Defendants' in this case have not responded in a timely manner as prescribed and Ordered by this Honorable Court. In fact and in Truth, the Defendants' have not provided ANY response to this Action / Cause.
- 1.3 > Therein and thereby since the Internal Revenue Service is not an agency of / to the UNITED STATES, then the UNITED STATES has no interest(s) in this matter, no jurisdiction or "Sovereign Immunities" alleged, presumed, implied or assumed do not apply in this matter.
- 1.4 > "Pro Se litigant cannot be dismissed for failing to state a claim for which relief can be granted. *Haines v. Kerner*, 92 S. CT. 594, 404 U.S. 519.
- 1.5 > "STATEMENTS OF COUNSEL in brief or argument are not sufficient for motion to Dismiss or for Summary Judgment. *Trinsey v. Pagliaro*, D.C. PA 1964, 229 F. Supp. 647. And ~~absolutely when the~~ ^{DEF} ~~Counsel~~
- 1.6 > Plaintiffs' Claim(s) are/is procedurally proper and in accordance with the ^{Uniform Commercial Code and the Fair Debt Collection Practice Act} ~~Defendants' own direction~~ ^{Plaintiffs}. [~~See attached presentments~~]
"Fact, is material" for purposes of motion for Summary Judgment, if proof of that fact would have effect of establishing or refuting one of the essential elements of course of action." *Brown v. Oklahoma State Bank and Trust Co. of Vinita, Oklahoma*, 860 P.2d, 230 (1993)
- 1.7 > Plaintiffs' presentment / document entitled "ACTUAL and CONSTRUCTIVE NOTICE OF INTENT TO Reind" is not the contract / agreement. The Contract / Agreement was / is verbal, the document is the FRUIT, physical evidence that performance to any and all stipulations, conditions and the like

- 1.7) Cont., were in deed met, by the Plaintiff. Therein and thereby satisfying any and all debts, duties or obligations.
- 1.8) Since Plaintiff filed this action /cause the Defendant(s) has harassed, intimidated and or threatened the Plaintiff's bank accounts, wages and property. The emotional anguish was /is too much for the Plaintiff causing Plaintiff to tender his resignation. [see enclosed]
- 1.9) Defendant(s) have also CONVERTED an alleged claim of Civil penalty for Frivolous filing to a \$5,000 plus interest for back taxes due for 2007 filing. [see enclosed] Plaintiff has requested copies of 2007-2010 filings with no response by the Defendant(s).
- 1.10) Defendant(s) have dishonored every presentment(s) the Plaintiff has tendered.
- 1.11) It is the Plaintiff's good pleasure to be merciful and show grace to the Defendant(s). By NOT seeking/requesting remedy of over \$200,000,000.00 Two Hundred million U.S.D. to which the Plaintiff is entitled to in accordance with Plaintiff's Superior lien /title U.C.C.-1 Filing no. 200902028038372 filed properly, lawfully and legally in region one New York State, Dept. of State Uniform Commercial code office.. [see enclosed]

II. Conclusion

- 2.1) Therefore; the Plaintiff humbly moves this Honorable Court to grant this Motion for Summary Judgment. Ordering that the accounts for 2007-2010 be adjusted to zero and closed and damages for emotional anguish in the amount of \$7,000,000.00 Seven million U.S.D. or an amount deemed just and fair by this Honorable Judge..

DATE JUNE 4, 2012

By: 
Authorized Representative Attorney-in-fact
FEL: DONALD EDWARD SPACH
PAGE 3 of 3 DEC

Certificate of PROOF of MAILING

I, Donald E. Cool, attorney-in-fact an authorized Representative
to the plaintiff in Civil action no. 1:12-CV-0568-SHR, IN THE UNITED
STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA (Harrisburg)
On the 5th day of June 2012 did mail or caused to be mailed via
U.S. postal service first class postage one copy (1) of the following
documents:

- 1) Motion for Summary Judgment (Plaintiff's) w/ORDER 5 pgs
2. Actual and Constructive Notice 1 pg.
3. I.R.S Correspondence dated May 14 2012 1 pg
4. I.R.S Correspondence dated June 11 2012 1 pg
5. Letter of resignation 1 pg
6. Affidavit in Support w/Execution 2 pgs.

For a total of 11 pgs. mailed herewith including any attachments
(not including this Certificate of Proof of mailing) and properly addressed as
Follows:

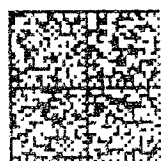
- 1.) United States District Court
for the Middle District of PA
Clerk of Court
228 Walnut St.
P.O. Box 983
Harrisburg, PA 17101
2. United States Attorney General
Office of the Attorney General
950 Pennsylvania Ave. N.W.
Washington, D.C. 20530
- 3.) I.R.S.
Office of the Commissioner
111 Constitution Ave. N.W.
Washington D.C. 20224
- 4.) United States District Court
Judges Chambers
Hon. Sylvia H. Rambo
P.O. Box 868
Harrisburg, PA 17108-0868

Donald E. Col
c/o 6879 Lineboro Rd. Apt. 1
Glen Rock, PA 17327

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HARRISBURG, PA

APR 17 2012

MARK A. ANDREWS, CLERK
FBI



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UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT
Clerk of Court

228 Walnut St.
P.O. Box 983
Harrisburg, PA 17101